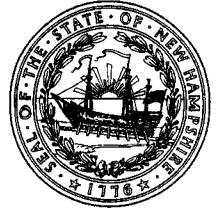




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner
September 8, 2004

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 04-16

Liberty Research Company, Inc.
7 Nadeau Drive
Rochester, New Hampshire 03867

Attn: Mr. Derrick Perkins, President

Re: Liberty Research Company, Inc.
Rochester, New Hampshire
EPA ID # NHD510010663

Dear Mr. Perkins:

On August 5, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Liberty Research Company, Inc. (LR). The purpose of the inspection was to determine LR's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste button-cell batteries generated at LR. DES inspectors also confirmed that LR disposes of waste button-cell batteries in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that LR perform hazardous waste determinations for the waste button-cell batteries. These determinations should be made using analytical testing. This testing should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals under Env-Wm 403.06, and Corrosivity under Env-Wm 403.04. LR will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as chemical analyses, to DES.

Alternatively, LR may elect to manage waste button-cell batteries as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-23 "All About Batteries" to aid you with the determination. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

LR will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

The August 12, 2004, LR submittal provided documentation substantiating that the facility is managing waste button-cell batteries as universal waste, and will be contacting a universal waste recycler for proper disposal. No further action is required.

2. Env-Wm 509.02(a)(2) – Personnel Training

A review of LR's personnel training program revealed the following deficiencies:

- A. The Secondary Emergency Coordinator Tony Gentile had not received adequate hazardous waste training and/or annual hazardous waste training reviews for years 2003 and 2004.
- B. LR's facility training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for emergency coordinators. Env-Wm 509.02(a)(2) also requires full quantity generators to maintain at the facility, specific documents and records related to personnel training.

DES requests that LR conduct and document hazardous waste training and annual updates for the Emergency Coordinators and employees responsible for hazardous waste management. DES also requested that LR maintain, as part of the personnel training program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Full Quantity Generator Module.

In the August 12, 2004 submittal, Mr. Archie Griffin, Hazardous Waste Coordinator, provided a written personnel training program which included a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be

provided for each position, and names of employees filling each position. The submittal also indicated that upon completion of the facility contingency plan, Secondary Emergency Coordinator Tony Gentile and employees responsible for hazardous waste management will receive additional hazardous waste training for the year 2004. Please submit the above-referenced training documentation.

3. Env-Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection, LR's contingency plan was confirmed to be incomplete. Specific deficiencies are listed in the attached Contingency Plan Module.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that LR revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

4. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area (deficiencies are noted in italics):

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) *The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.*

DES requested that LR post the required information at the nearest telephone to the hazardous waste storage area.

In the August 12, 2004 submittal, Mr. Archie Griffin provided documentation demonstrating that LR's emergency posting was amended and posted at the nearest telephone to the Hazardous Waste Storage Area. No further action is required.

5. Env-Wm 509.03(g) – Satellite Storage Container Marking

At the time of the inspection, the one (1) satellite storage container of hazardous waste “Tetrachloroethylene” was not marked with the words “hazardous waste” and words that identify the contents of the container (See the attached Satellite Container Inventory).

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words “hazardous waste” and words that identify the contents of the container.

DES requested that LR properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words “hazardous waste” and words that identify the contents of the container.

In the August 12, 2004 submittal, Mr. Archie Griffin confirmed that the satellite container of hazardous waste “Tetrachloroethylene” had been marked with the words “hazardous waste” and words that identify the contents of the container. No further action is required.

6. Env-Wm 1112.03(a) and Env-Wm 1102.03(c) - Universal Waste Container Requirements

At the time of inspection, the following universal waste lamps were observed in the Hazardous Waste Storage Area without a container:

- A. One (1) universal waste metal halide lamp; and
- B. One (1) universal waste fluorescent lamp.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested LR to ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

In the August 12, 2004 submittal, Mr. Archie Griffin stated that the universal waste lamps were placed in a labeled container. No further action is required.

7. Env-Wm 1112.04 and Env-Wm 1102.03(a)(4) - Universal Waste Management

At the time of the inspection, the following universal waste lamps/containers were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s):"

- A. Two (2) containers of universal waste metal halide lamps;
- B. One (1) universal waste metal halide lamp; and
- C. One (1) universal waste fluorescent lamp.

Env-Wm 1102.03(a)(4) which references Env-Wm 1112.04 requires universal waste handlers to ensure all container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that LR clearly label or mark container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

In the August 12, 2004 submittal, Mr. Archie Griffin provided documentation substantiating compliance with the Universal Waste container marking/labeling requirements. No further action is required.

8. Env-Wm 1113.04 and Env-Wm 1102.03(a)(5) - Universal Waste Management

At the time of the inspection, one (1) universal waste CRT was not marked with the words "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

Env-Wm 1102.03(a)(5) which references Env-Wm 1113.04 requires universal waste handlers to ensure all container(s) holding universal waste CRTs to be clearly labeled or marked with any of the following: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

DES requested that LR clearly label or mark universal waste CRTs with any of the following: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)".

In the August 12, 2004 submittal, Mr. Archie Griffin stated that the universal waste CRT was properly labeled. No further action is required.

DES believes the remaining deficiencies can be corrected and a report describing the corrective measures taken by LR can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against LR, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Eric Abrams, Waste Management Specialist IV
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary

sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll free at (1-866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or Tod G. Leedberg, RCRA Compliance Supervisor at 271-2942. Specific questions regarding water related issues may be directed to Stergios Spanos of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel Esq., Administrator, DES Legal Unit
Archie Griffin, Hazardous Waste Coordinator, Liberty Research Company, Inc.

E-mail: JJD/SD/MM/PM

Enclosure: Inspection Modules
DES Environmental Fact Sheet #WMD-HW-23 "All About Batteries"